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JAMES H. McKENNEY,
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No. 509. 216

Motion to advance.

Filed Jan. 13, 1902.

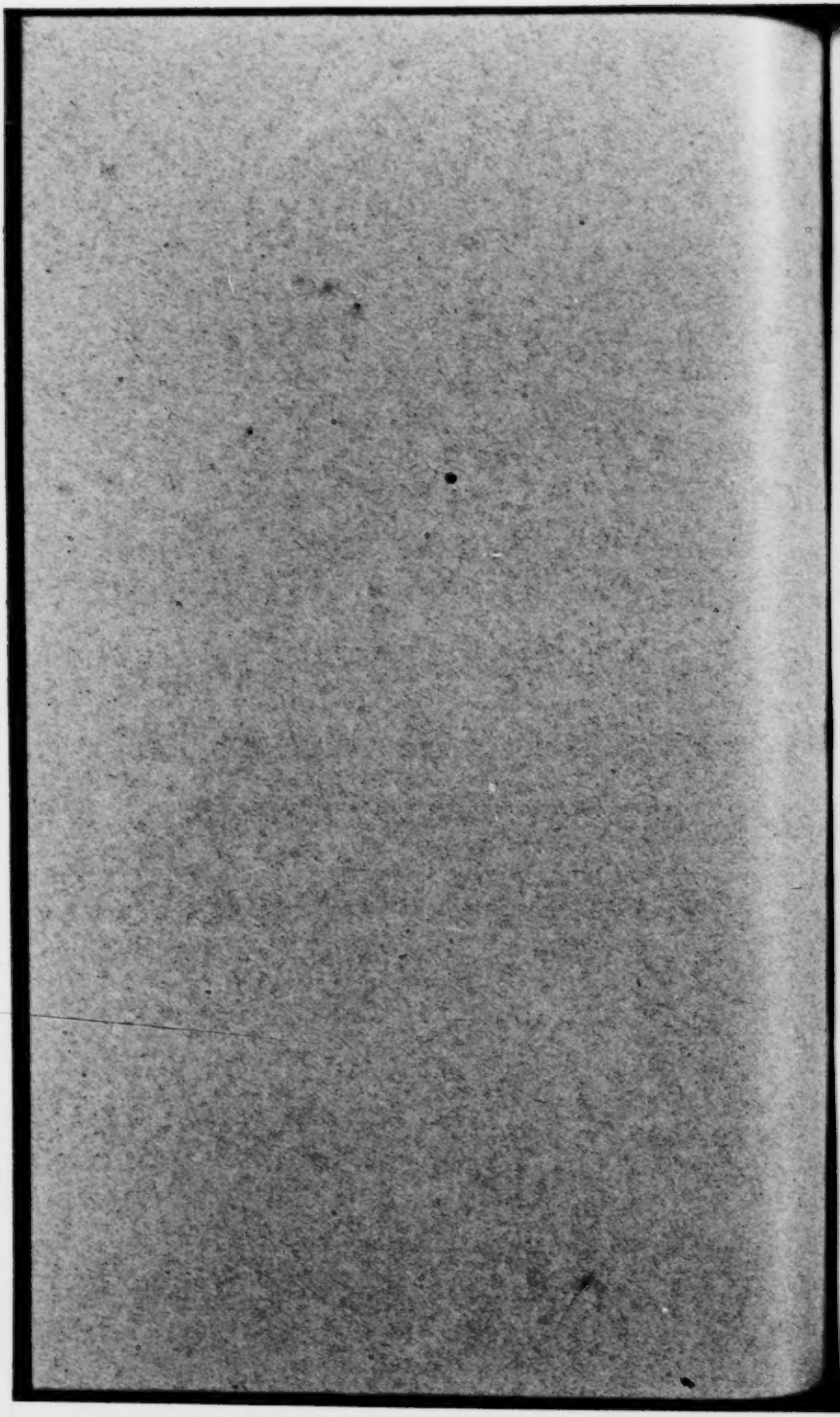
In the Supreme Court of the United States.

OCTOBER TERM, 1901.

UNITED STATES, APPELLANT,
v.
JAMES A. RICKERT, AS COUNTY TREASURER in and for Roberts County, S. Dak. } No. 509.

ON CERTIFICATE FROM THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

MOTION TO ADVANCE.



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Comes now the Solicitor-General on behalf of the appellant in the above-entitled cause and moves the court to advance the same upon the docket.

This suit was instituted in the circuit court of the United States for the district of South Dakota by the Attorney-General of the United States against the appellee, as county treasurer of Roberts County, South Dakota, to restrain the assessment and collection of a tax upon the lands and improvements thereon, and certain personal property of certain allottee members of the Sisseton Band of Sioux Indians upon the Sisseton Agency in the county of Roberts, on the ground that said Indians are wards of the United States and under

its guardianship and supervision. The demurrer filed by the appellee was sustained by the court. On appeal to the circuit court of appeals for the eighth circuit that court has certified the following questions:

1. Were the lands held by the allottee, Charles R. Crawford, and the other Indians named in the bill, subject to assessment and taxation by the taxing authorities of Roberts County, South Dakota, in 1899 and 1900?

2. Were the permanent improvements, such as houses and other structures, upon the lands held by allotments by Charles R. Crawford and the other Indians named in the bill, subject to assessment and taxation by the taxing officers of Roberts County, as personal property in 1899 and 1900?

3. Was the personal property, consisting of cattle, horses, and other property of like character which had been issued to these Indians by the United States, and which they were using upon the allotments, liable to assessment and taxation by the taxing officers of Roberts County in 1899 and 1900?

4. Has the United States such an interest in this controversy, or in its subjects, as entitles it to maintain this suit?

5. Has the United States a remedy at law so prompt and efficacious that it is deprived of all relief in equity?

As the case is one of importance, affecting many interests in the State of South Dakota and elsewhere,

it is respectfully submitted it should be advanced for hearing on such day as may be convenient to the court during the present term.

In this motion counsel for the appellee joins.

JOHN K. RICHARDS,
Solicitor-General.

JANUARY 11, 1902.

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